



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Shohei TANAKA et al

Conf. No.: **1866**

Appln. No.: **10/652,242**

Group Art Unit: **1614**

Filed: **September 2, 2003**

Examiner: **Unknown**

For: **PHARMACEUTICAL COMPOSITIONS FOR TREATING
BONE LESIONS IN MULTIPLE MYELOMA**

REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

**ATTN: Office of Initial Patent Examination
Filing Receipt Correction
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

We enclose a copy of the Official Filing Receipt for the above-identified application and request the following corrections:

- (1) "Hironobu Sano, Ibaraki, JAPAN" should be --Hironobu **Asano**, Ibaraki, JAPAN--.
- (2) "JAPAN P. HEI. 10-368699 12/25/1989" should be -- JAPAN P. HEI. 10-368399 12/25/**1998** --.

Verification for the requested corrections is indicated on the original Letter to Commissioner, Declaration and Power of Attorney, and date-stamped mailroom receipt therefore filed September 2, 2003.

Respectfully submitted,

Drew Hissong
Registration No. 44,765

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: December 5, 2003



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| APPL NO. | FILING OR 371 (c) DATE | ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |
|------------|---------------------------|----------|---------------|-----------------|----------|----------|----------|
| 10/652,242 | 09/02/2003 | 1614 | 750 | Q77228 | 2 | 4 | 2 |

23373
 SUGHRUE MION, PLLC
 2100 PENNSYLVANIA AVENUE, N.W.
 WASHINGTON, DC 20037



CONFIRMATION NO. 1866

FILING RECEIPT



OC000000011339739

Date Mailed: 11/24/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Shohei Tanaka, Ibaraki, JAPAN;
 Utane Matsukawa, Ibaraki, JAPAN;
 Hironobu Sano, Ibaraki, JAPAN;

A Sano

Assignment For Published Patent Application

YAMANOUCHI PHARMACEUTICAL CO., LTD.;

Domestic Priority data as claimed by applicant

This application is a CON of 09/869,122 06/25/2001
 which is a 371 of PCT/JP99/07236 12/22/1999

Foreign Applications

JAPAN P. HEI. 10-368699 12/25/1989

1988

If Required, Foreign Filing License Granted: 11/21/2003

Projected Publication Date: 03/04/2004

Non-Publication Request: No

Early Publication Request: No

Title

Pharmaceutical compositions for treating bone lesions in multiple myeloma

Preliminary Class

514

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

September 2, 2003

MAIL STOP PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**Re: Application of Shohei TANAKA, Utane MATSUKAWA,
and Hironobu ASANO entitled "PHARMACEUTICAL
COMPOSITIONS FOR TREATING BONE LESIONS
IN MULTIPLE MYELOMA"
Assignee: YAMANOUCHI PHARMACEUTICAL CO., LTD.
Our Ref: Q77228**

340 - 7-2000

Dear Sir:

This is a request for a Continuation Application of pending prior Application No. 09/869,122 (Confirmation No.2326) filed June 25, 2001, of Shohei TANAKA, Utane MATSUKAWA and Hironobu ASANO entitled "PHARMACEUTICAL COMPOSITIONS FOR TREATING BONE LESIONS IN MULTIPLE MYELOMA"; which is a 371 of PCT/JP99/07236, filed December 22, 1999.

This application is being filed under 37 C.F.R. § 1.53(b). Enclosed is a specification, including the claims, Abstract, 2 sheets of drawings and a copy of the executed Declaration and Power of Attorney (as filed in the prior application).

Also enclosed is a Preliminary Amendment and Information Disclosure Statement (accompanied by Form PTO/SB/08 A & B (modified) - listing references cited by Applicants and/or the Examiner during prosecution of the parent application).

The prior application is assigned to Group Art Unit 1617.

Priority is claimed from:

| <u>Country</u> | <u>Application No</u> | <u>Filing Date</u> |
|----------------|-----------------------|--------------------|
| JAPAN | 10-368699 | December 25, 1998 |

The priority document was filed in Parent Application No. 09/869,122 during entry of National Stage.

The Government filing fee is calculated as follows:

| | | | | | | | | | |
|------------------------------|----------|------|---|-------------------|---|---------|---|-------------------|----------|
| Total claims | <u>4</u> | - 20 | = | <u> </u> | x | \$18.00 | = | <u> </u> | \$0.00 |
| Independent claims | <u>2</u> | - 3 | = | <u> </u> | x | \$84.00 | = | <u> </u> | \$0.00 |
| Base Fee | | | | | | | | <u> </u> | \$750.00 |
| Multiple Dependent Claim Fee | | | | | | | | <u> </u> | \$0.00 |

| | |
|-------------------------|-----------------|
| TOTAL FILING FEE | \$750.00 |
|-------------------------|-----------------|



Commissioner for Patents

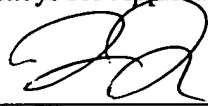
September 2, 2003
Page 2

A check for the statutory fee, in the amount of \$750.00, is attached.

The U.S. Patent and Trademark Office is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this transmittal letter is attached.

The application is timely filed.

Respectfully submitted,
SUGHRUE MION, PLLC
Attorneys for Applicant

By 
Drew Hissong
Registration No. 44,765

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PHARMACEUTICAL COMPOSITIONS FOR TREATING BONE LESIONS

IN MULTIPLE MYELOMA

the specification of which is attached hereto unless the following box is checked:

☒ was filed on December 22, 1999 as United States Application Number or PCT International Application Number PCT/JP99/07236 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information of which is material to the patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

| | | | |
|-----------------------------|-----------------------------|-----------------------------|--------------------------|
| <u>P. Hei. 10-368699</u> | <u>Japan</u> | <u>25/December/1998</u> | <input type="checkbox"/> |
| (Number) | (Country) | (Day/Month/Year Filed) | |
| <u> </u> | <u> </u> | <u> </u> | <input type="checkbox"/> |
| (Number) | (Country) | (Day/Month/Year Filed) | |
| <u> </u> | <u> </u> | <u> </u> | <input type="checkbox"/> |
| (Number) | (Country) | (Day/Month/Year Filed) | |

I hereby claim the benefits under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

| | |
|-----------------------------|-----------------------------|
| <u> </u> | <u> </u> |
| (Application Number) | (Filing Date) |

I hereby claim the benefits under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

| | | |
|-----------------------------|-----------------------------|---|
| <u> </u> | <u> </u> | <u> </u> |
| (Application Number) | (Filing Date) | (Status - patented, pending, abandoned) |
| <u> </u> | <u> </u> | <u> </u> |
| (Application Number) | (Filing Date) | (Status - patented, pending, abandoned) |

I hereby appoint John H. Mion, Reg. No. 18,879; Thomas J. Macpeak, Reg. No. 19,292; Robert J. Seas, Jr., Reg. No. 21,092; Darryl Mexic, Reg. No. 23,063; Robert V. Sloan, Reg. No. 22,775; Peter D. Olexy, Reg. No. 24,513; J. Frank Osha, Reg. No. 24,625; Waddell A. Biggart, Reg. No. 24,861; Louis Gubinsky, Reg. No. 24,835; Neil B. Siegel, Reg. No. 25,200; David J. Cushing, Reg. No. 28,703; John R. Inge, Reg. No. 26,916; Joseph J. Ruch, Jr., Reg. No. 26,577; Sheldon I. Landsman, Reg. No. 25,430; Richard C. Turner, Reg. No. 29,710; Howard L. Bernstein, Reg. No. 25,665; Alan J. Kasper, Reg. No. 25,426; Kenneth J. Burchfiel, Reg. No. 31,333; Gordon Kit, Reg. No. 30,764; Susan J. Mack, Reg. No. 30,951; Frank L. Bernstein, Reg. No. 31,484; Mark Boland, Reg. No. 32,197; William H. Mandir, Reg. No. 32,156; Scott M. Daniels, Reg. No. 32,562; Brian W. Hannon, Reg. No. 32,778; Abraham J. Rosner, Reg. No. 33,276; Bruce E. Kramer, Reg. No. 33,725; Paul F. Neils, Reg. No. 33,102; Brett S. Sylvester, Reg. No. 32,765 and Robert M. Masters, Reg. No. 35,603; my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and request that all correspondence about the application be addressed to SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC, 2100 Pennsylvania Avenue, N.W., Washington, D.C. 20037.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date June 7, 2001 First Inventor Shohei TANAKA
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Date June 7, 2001 Second Inventor Utane MATSUKAWA
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 Post Office Address c/o YAMANOUCI PHARMACEUTICAL CO., LTD., 21, Miyukigaoka, Tsukuba-shi, Ibaraki 305-8585 Japan

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First Name Last Name
Residence Ibaraki, Signature Hironobu Asano
Japan Post Office Address c/o YAMANOUCHI PHARMACEUTICAL CO., LTD., 21,
Citizenship Japan Miyukigaoka, Tsukuba-shi, Ibaraki 305-8585 Japan

Date _____ Fourth Inventor _____
First Name Last Name
Residence _____ Signature _____
Post Office Address _____
Citizenship _____

Date _____ Fifth Inventor _____
First Name Last Name
Residence _____ Signature _____
Post Office Address _____
Citizenship _____

Date _____ Sixth Inventor _____
First Name Last Name
Residence _____ Signature _____
Post Office Address _____
Citizenship _____

Date _____ Seventh Inventor _____
First Name Last Name
Residence _____ Signature _____
Post Office Address _____
Citizenship _____

Date _____ Eighth Inventor _____
First Name Last Name
Residence _____ Signature _____
Post Office Address _____
Citizenship _____

(Supply similar information for ninth and subsequent joint inventors.)

32

CONT of USSN 09/819,122



REQUEST OF EARLY NOTIFICATION OF SERIAL NUMBER

Inventors: Shohei TANAKA et al

Title: PHARMACEUTICAL COMPOSITIONS...

Atty Doc. #: Q77228 Client: NGB CORPORATION

Filing Date: 09/02/03 # Pgs: 26/1 #Claims: 4

Dwgs: 2 Decl yes Prelim Amdt yes

IDS: yes Pr Doc: in par Asgmt: in par Fee: \$750.00

☒ Check Attached/[#]229688 Atty: SJM:DXH/vf

SERIAL NO.: _____

